

REMARKS

The present application has 28 claims, Claims 1-28, with Claims 1 and 16 being independent claims. Claims 1-11 and 16-28 are rejected. Claims 12-15 are objected to.

The claims were rejected under 34 U.S.C. §102(b) as being anticipated by JP 09-326259-A (JP '259) and under 35 U.S.C. §103 in light of JP 04-342439-A (JP '439). In response to the last Office Action, the Applicant traversed a similar rejection on the grounds that neither reference shows a "unitized" solid oxide fuel cell as is claimed herein. The term "unitized" is described in the specification as "intended to generally mean a self-contained fuel cell that can be replaced from a fuel cell stack without impairing the performance of the overall stack, such as by damaging adjoining cells." *See* page 8, lines 1-3. In response, the Examiner stated that the claims are not necessarily limited to the definition of "unitized" as provided in the specification.

The Applicant therefore has amended each claim to specify more clearly the nature of each unitized cell. Specifically, each claim is now described as a "single, self-contained, replaceable" fuel cell. The cited Japanese references clearly do not describe such a cell.

The Applicant has made this amendment to define more clearly the claims. The Applicant does not consider the amendment to be limiting in scope.

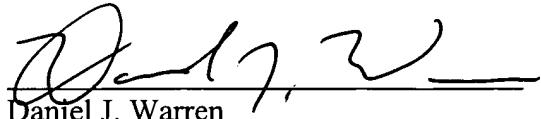
Telephone Interview:

The Applicant thanks the Examiner for his time and consideration during the telephone interview of March 26, 2004. The Japanese references were discussed in the context of proposed amendments to the claims to define more clearly the "unitized" concept. The Examiner believed that defining the cell in terms of a "single" cell would distinguish the references.

CONCLUSION

The Applicant appreciates the Examiner's time and consideration. Any questions may be directed to the undersigned at (404) 853-8028.

Respectfully submitted,



Daniel J. Warren
Reg. No. 34,272

SUTHERLAND ASBILL & BRENNAN LLP

999 Peachtree Street, N.E.
Atlanta, Georgia 30309-3996
(404) 853-8000
(404) 853-8806 (Facsimile)
daniel.warren@sablaw.com

SAB Docket No.: 19441-0067